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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

September 9, 2008

James B. Mascaro  
7539 West Jem Cir.  
Herriman, Utah 84096

Subject: Informal Conference for Cessation Orders # MC 06-01-10, and MC-07-01-03 James B, Mascaro and Sons LLC, Barney Mine, M0490055, Utah County, Utah

Dear Mr. Mascaro:

On August 7, 2008 at 10:00 am, an informal conference associated with the referenced cessation orders was held. The informal conference was scheduled at the request of the operator to contest the fact of the violations, and if upheld, to review the amount of civil penalty assessed. Attending this conference were John Baza, Dana Dean, Lynn Kunzler and Tom Munson of the Division, and James and Wendy Mascaro representing the Operator. After hearing the testimony of the Division Inspector and Assessment Officer, and from the Operator, the following conclusions are made:

With Regards to Cessation Order MC-06-01-10, the following conclusions are made: The fact of the violation **is upheld**. The amount of the civil penalty assessed is reduced from \$660.00 to \$462.00. This amount is now due and payable within 30 days of receipt of this notice. Please remit this payment to the Division, c/o Penny Berry. Failure to provide the required payment within 30 days may result in civil action in the appropriate district court.

With Regards to Cessation Order MC-07-01-03, the following conclusions are made: This violation **is vacated**. It is determined that the Operator did not have full control of the property or the activity that led to the issuance of this cessation order (the operator has also successfully abated this violation). There were also procedural errors associated with the assessment. Since the operations have been transferred to another party, and the violation has been abated, there is no useful purpose to re-issue the violation to correct the procedural errors

You may appeal this decision formally to the Board of Oil, Gas, and Mining, pursuant to R647-7-107, which states:

#### *R647-7-107. Requests for Formal Hearing*

1. A permittee or operator charged with a violation may contest the proposed penalty or the fact of the violation by submitting: (a) a petition to the Board; and (b) an amount equal to the proposed penalty (or, if a conference has been held, the reassessed or affirmed penalty) to the Division (to be held in escrow as provided in R647-7-107.2) within 30 days of receipt of the proposed assessment or reassessment, or 30 days from the date of service of the conference

